

Mr. Mark Lynch
122 Maryland Ave., NE
Washington, D.C. 20002

10/10/84

Dear Mark,

Yesterday Jim phoned and read me portions of another outrageous appeals court decision, that one in my King case, in which it is again apparent that the most important single factor was the government's lies. This panel referred to the conclusions of the previous panel based on similar lies. Particularly the allegation that I enlarged on my request and that I always do it. Neither is true and the court accepted the boilerplated lies and ignored the record. There is the same lie in the case you are handling, although it is refuted in the case record and the refutation is not in turn refuted. No such effort was made because none can be. In no case is this particular lie under oath and in every case it is the lie of the lawyer, who is not under oath.

The fabrication of the government's brief about which I have written you, that the judge allegedly "closely observed" my alleged misconduct throughout the entire litigation, therefore assumes greater importance and I believe requires direct and pointed addressing. Denouncing might be better. It is infamous, pernicious and as with all such viciousness in the past, quite hurtful. It also provides an excellent and comprehensible means of offsetting their persisting falsifications and defamations. Which it is clear is what dominates in the courts, which want to go along with it, possibly because they are so burdened by the cases so distorted and protracted by the government.

I am not clear on what is and is not in your briefing but I am clear that I wrote you about their so-called multitiered description of searches not yet made. Yet they claim that I am again extending them, again without any evidence, only lawyer lies. They rewrite my requests and then allege that when I want compliance with my actual requests I am extending them. As the records you have show, Dallas still has not made the original searches in this case and New Orleans first substituted an earlier request, swore it was a search made for me, and then withheld what surfaced on the earlier search as irrelevant when it is quite relevant. Here again my affidavits are not refuted and are ignored. So think it is essential to show that I have not extended my requests and that the searches required remain unmade after all these years.

It also by now is apparent to me that the court is not going to act on the basis of fact and case law because it has been poisoned and probably for political reasons. In the King case that panel, two Reaganites and Mikva who was silent, simply made up what was congenial to its preconception, from what Jim read me. I therefore believe that addressing firmly the prejudicial lie, still a lie in Whittaker's letter to Hitchcock, really is essential. Particularly if there is a single liberal with an activist Reaganite majority. If the liberals are going to remain scared it is necessary to help them with something that for them can be safe and is really as indecent as the prejudicial fabrication.

As you know, I have persisted in this litigation against personal interest and on behalf of the Act and others. I do not want this additional abuse heaped on me and sanctified by an intimidated or activist/prejudiced court without a strong presentation of the truth. More than a footnote.

I fear that if you do not do this the result will be further defamation of me and bad precedent that will plague others and their counsel.

If you will think about the illustrative material I have sent you reflecting the consequences of earlier government lies and the fact that they were lies and consider that in the light of the outrageous King case decision, I think it is apparent that my judgement - in advance of the fact - was right on point. That panel did exactly what I forecast and tried to prepare you to confront and refute.

Sincerely, Harold Weisberg

Harold